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Early English Newspapers and the Law

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British Library

Various source media, 17th and 18th Century Burney Newspapers Collection



Royal Control of Printing

From the early sixteenth century there were regular attempts to control printing. A proclamation issued by King Henry VIII on 16 November 1538 required all books to be examined and licensed by the Privy Council or its deputies and prohibited the unlicensed printing of books. Shortly after her accession, in 1559, Queen Elizabeth I decreed that no book was to be published unless it was properly licensed by Crown-appointed censors. The Stationers' Company (the guild to which members of the book trade belonged) was involved in the enforcement of the Queen's new injunctions, partly by recording licensed works in its Register. During the later 1500s and early 1600s, the Star Chamber, a prerogative court under the control of the monarch, was used to regulate the press. King Charles I was particularly concerned about the dissemination of news in print. In 1632 the series of newsbooks published by Nathaniel Butter and Nicholas Bourne, mostly under the title *The Continuation of Our Weekly Newes*, was suppressed by Star Chamber decree. In 1637 another Star Chamber decree confirmed the press controls developed over the preceding century. Subsequently, Royal Letters Patent¹ allowed Butter and Bourne to publish newsbooks again, beginning with *Numb I An Abstract of Some Speciall Forreigne Occurrences* in 1638.

Civil War and Interregnum Regulation of Printing

The Civil War brought many changes. The abolition of the Star Chamber in 1641 gave the book trade short-lived freedom from licensing, and led to a rapid increase in the printing of newsbooks. The first new title to appear was *The Heads of Severall Proceedings in This Present Parliament*, in November 1641, and within a

few weeks there were a number of competing titles. These included several editions of the *Perfect Diurnall of the Passages in Parliament* which ran until 1643, when Parliament passed a Licensing Order in a fresh attempt to regulate printing. During the 1640s and 1650s further orders and Acts of Parliament tried to deal with a flood of pamphlets and newsbooks. In 1655 Oliver Cromwell issued orders which included the suppression of all newsbooks except those licensed by the Lord Protector or his Council. Only two titles continued to be published by license, *Mercurius Politicus Comprising the Summ of All Intelligence and the Publick Intelligencer*. Cromwell's orders remained in force until the eve of the Restoration.

Printing Act, 1662

King Charles II was as concerned as his predecessors with control over the press. In 1662 he gave royal assent to 'An Act for preventing the frequent abuses in printing seditious, treasonable and unlicensed books and pamphlets, and for regulating printing and printing presses', which became known as the Printing Act. It set down, among other injunctions, that every work must be licensed before it could be printed, and that the licence should be printed in every work. The Stationers' Company was again closely involved in policing the process through its Register. In 1663 the writer Sir Roger L'Estrange was appointed surveyor and licenser of the press, a role he fulfilled until 1679. He controlled the official newsbook the *Intelligencer Published for the Satisfaction and Information of the People* until 1666, when it was succeeded by the *London Gazette*. The Printing Act was not strictly enforced by the government, and it lapsed altogether in 1679. It was revived for a period of seven years in 1685, after King

James II came to the throne. It was further renewed a few years after the Glorious Revolution, in 1693, but then lapsed for good in May 1695. The book trade was again free from licensing, and the effect was similar to that in 1641—the number of newspapers increased. Among the new titles to appear during 1695 were the *Post Boy* and the *Flying Post*, both of which survived for many years.

Stamp Acts, 1712 and 1725

With the disappearance of the Printing Act, the government had to look for other means to control the press. One method was financial pressure through taxation. The first tax on newspapers was levied through the Stamp Act of 1712. This taxed newspapers and pamphlets according to size and number of pages, with an additional tax on paper, and a tax on newspaper advertisements (which were a significant source of revenue for the press). All newspapers and pamphlets printed in London had to be registered at the Stamp Office, and stamps began to be applied from August 1712. An example of a stamp can be seen on the first page of the *Post Boy* for 5 August 1712. The majority of newspapers survived but some, including the *Observer* (which had begun publication in 1702) and the *Medley* were forced to close. However, it was not long before newspaper proprietors discovered loopholes in the Stamp Act. Weekly newspapers began to evade stamp duty by the simple expedient of increasing their size to fill six pages with news, essays and a variety of other content.² The loophole was closed by a further Stamp Act in 1725, the weeklies had not only to reduce their size and length but also to increase their prices. The new Act did not succeed in forcing any newspapers out of business.

Prosecution for Seditious Libel

While the Stamp Acts curtailed newspapers in size and circulation, they were no substitute for licensing. For the regulation of news content, the government had to turn to prosecution for seditious libel. The law of seditious libel developed during the late seventeenth century until it covered virtually any criticism of the monarch or government in written or printed form. Penalties could include indefinite imprisonment, heavy fines and expensive bonds for good behaviour, any of which could be a severe burden to newspaper printers and publishers.

The Popish Plot and the Exclusion Crisis coincided with the 1679 lapsing of the Printing Act, leaving the government with no direct means of press censorship. Henry Care was one of several men prosecuted for seditious libel during this period, for criticism of the King and Government in his *Weekly Pacquet of Advice from Rome* and its successor *Pacquets of Advice from Rome*. There were numerous cases during the eighteenth century, including several which became notorious. Nathaniel Mist, well known for his Jacobite sympathies, fled to France before he could be prosecuted following the publication of a libel against King George II in *Mist's Weekly Journal* on 24 August 1728. Richard Francklin, the publisher of the *Country Journal or the Craftsman*, was subject to the full range of penalties in December 1731 when he was found guilty of seditious libel for criticism of the Treaty of Seville ratified that year. The most famous case of the century was perhaps that against John Wilkes for the attack on King George III's government over the Treaty of Paris which ended the Seven Years' War. This appeared in issue 45 of the *North Briton* on 23 April

1763. Wilkes, who was an MP, was imprisoned and then released under parliamentary privilege. He challenged the legality of the warrant against him, but the House of Commons upheld the charge of seditious libel and Wilkes subsequently fled to France. Government prosecutions for seditious libel were effectively ended by Charles James Fox's Libel Act of 1792, which established the right of juries to decide whether or not an article was a libel.

Parliamentary Reporting

Although Civil War newsbooks had included detailed reports of parliamentary proceedings, by 1700 these were prohibited—even though the House of Commons allowed the limited publication of an official report of its votes. There were few attempts to defy this prohibition until the middle of the eighteenth century. In 1760 and again in 1765, the *Public Advertiser* and the *Gazetteer and London Daily Advertiser* were among a number of newspapers to publish reports on parliamentary proceedings and suffer prosecution. In 1771 matters came to a head when the *Middlesex Journal or Chronicle of Liberty*, the *Gazetteer and New Daily Advertiser* and the *London Evening Post* took on Parliament by printing debates and ignoring a summons to appear before the House of Commons. John Wilkes, then an Alderman of the City of London, had the case for the arrest of the newspapers' printers dismissed. This led to a confrontation between Parliament and the City which, after some mob violence, the City won. Thereafter, Parliament did not try to enforce its prohibition and its proceedings were regularly reported in the newspapers.

Endnotes

¹ Royal Letters Patent were in effect legislation without the consent of Parliament, in the form of a letter issued by the sovereign making a grant to an individual or an institution—in this case of a monopoly over the printing of newsbooks

² By printing their newspapers on a sheet and a half, folded to form six pages, proprietors were able to claim that they were liable only for the tax of three shillings levied for all the copies so printed at one time, rather than the one penny for each individual copy printed on a half to a whole sheet.

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